

**Training Module #10:**



**Understanding  
The “Big Picture”:  
Working Effectively  
in the Justice System**

# Introduction

---

This print module was produced by the Michigan Judicial Institute (MJl) specifically for Michigan Court Support Personnel.

The intent of this print module is to assist court employees to:

1. Identify the three branches of government
2. Identify which agencies are associated with the three branches
3. Identify the ways in which various courts interact with each other and the other branches of government
4. Describe the role of the judicial branch court staff in insuring due process

For inquiries on these or other available Michigan Judicial Institute training resources, contact MJl at (517) 373-7171.

This publication is funded by the Michigan Commission on Law Enforcement (MCOLES). These materials may not be reproduced without prior written permission from MJl.



# The Three Branches of Government

---

At each level of government (federal, state, and local) there are 3 branches:



**LEGISLATIVE BRANCH** which *makes the laws*

**EXECUTIVE BRANCH** which *enforces the laws*

**JUDICIAL BRANCH** which *interprets and upholds the laws*

Each branch of government performs a separate function and no branch may carry out the authority of another branch. Each branch, however, has some power to limit the actions of the other branches. This provides a system that keep the divisions of government in balance.

# Executive Branch



- Enforces laws
- Prepares and presents budgets
- Manages executive departments, services, and programs

# Judicial Branch

- Interprets and upholds laws
- Protects individual rights
- Punishes the guilty
- Manages information

# Legislative Branch



- Makes laws and ordinances
- Appropriates funds to other branches of government
- Creates agencies, authorities, and other public bodies



# Federal / State / Local

There is a Legislative, Executive, and Judicial branch of government at each level of government – Federal, State, and Local.



| BRANCHES OF GOVERNMENT | FEDERAL  | STATE                                   | LOCAL  |
|------------------------|--|---|--|
| LEGISLATIVE            | U.S. Congress  | MI State Legislature                    | City Council<br>County Board of Commissioners<br>Township Board of Supervisors<br>Township Board of Trustees |
| EXECUTIVE              | President  | Governor                                | Mayor<br>County Executive<br>Township Supervisor   |
| JUDICIAL               | U.S. Supreme Court<br>U.S. Court of Appeals<br>U.S. Circuit Courts | MI Supreme Court<br>MI Court of Appeals | MI Circuit Courts<br>MI District Courts<br>MI Probate Courts   |

# Which Branch Is It?



**DIRECTIONS:** Place a check in the column to the right for the correct Branch of Government for each of the following:

|                                       | <u>Executive</u> | <u>Legislative</u> | <u>Judicial</u> |
|---------------------------------------|------------------|--------------------|-----------------|
| 1) County Sheriff                     | _____            | _____              | _____           |
| 2) Department of Mental Health        | _____            | _____              | _____           |
| 3) Department of Treasury             | _____            | _____              | _____           |
| 4) Friend of the Court                | _____            | _____              | _____           |
| 5) County Jail                        | _____            | _____              | _____           |
| 6) City Council Person                | _____            | _____              | _____           |
| 7) County Prosecuting Attorney        | _____            | _____              | _____           |
| 8) State Senator                      | _____            | _____              | _____           |
| 9) Attorney General                   | _____            | _____              | _____           |
| 10) State Court Administrative Office | _____            | _____              | _____           |
| 11) City Attorney                     | _____            | _____              | _____           |

See Answers on page 28

# Early Courts

Courts existed very early in our civilization as a way to resolve disputes between people. **In ancient Rome**, there was a complex structure of courts and officials.



**In medieval times**, courts existed as the result of the tribal courts of the Germanic peoples. The tribal judges supervised proceedings and resolved disputes based upon the decision of the assembled tribal members.



**In 1215, England's King John** was compelled to sign the English Magna Carta, which initiated the gradual separation of the courts from executive and legislative governmental powers. Prior to this, the King could also serve as the judge.

**Pilgrims**, the early English settlers and founding forefathers of our country, established a government which created laws for the general good of the new settlement. This new government included separation of powers.



SOURCE: "Courts," Microsoft® Encarta® 97 Encyclopedia. © 1993-1996 Microsoft Corporation.

# U.S. Federal Courts

---



As the population of the United States grew and the number of states increased to 13, the founding fathers felt there was a need to create a basic instrument of government that would provide the powers necessary for a strong and united national government. The Constitution was drafted and became effective in 1789.

The federal courts were provided for in the U.S. Constitution on the theory that the judicial power necessary for a strong national government could not be entrusted to the individual states.

Thus, Article III, Section 1, of the United States Constitution provides: “The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.”

The individual states were left free to establish their own judicial systems and Article VI of the U.S. Constitution declared that judges of these state courts were still required to uphold the Constitution and the laws and treaties of the U.S.

SOURCE: "Courts," Microsoft® Encarta® 97 Encyclopedia. © 1993-1996 Microsoft Corporation.



# Michigan's Judicial System

---



## Michigan Constitution - ARTICLE VI: Judicial Branch

**Sec. 1** The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

# Fundamental Values of the Michigan Judicial System



## INDEPENDENCE

The ability of the judicial system to serve its constitutional function as a check and balance to the other branches of government.



## RESPONSIVENESS

The ability of the courts to anticipate and respond to the changing needs, over time, that all members of society have in using the courts.



## ACCOUNTABILITY

The ability of the court system and its judges and staff to use public resources efficiently and explain to the public how the funds were used.

# Fundamental values of the Michigan Judicial System



## **FAIRNESS**

The dignified treatment of all and the application of the law appropriate to the circumstance of the individual case.



## **EFFECTIVENESS**

The ability of the courts to uphold the law and apply rules and procedures consistently and in a timely manner.

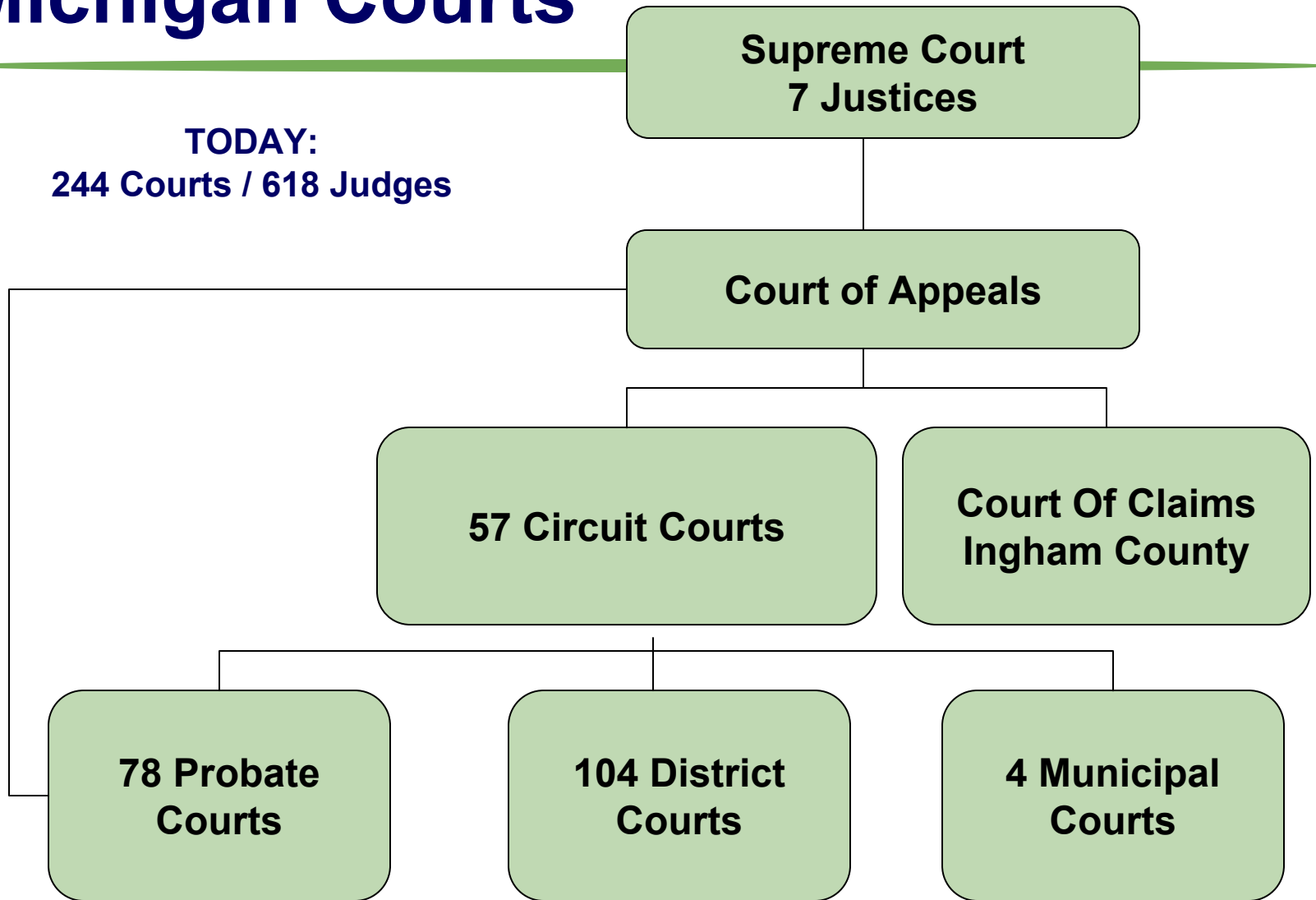


## **ACCESSIBILITY**

All Michigan courts should be convenient, timely, and affordable to everyone with a legitimate cause.

# Michigan Courts

**TODAY:**  
**244 Courts / 618 Judges**



# Limited Jurisdiction Courts

---

Limited Jurisdiction Courts hear only specific kinds of cases:

- ❖ **District Courts:** Citizens have more contact with the District Court than any other court. This is because the District Court has exclusive jurisdiction over minor traffic cases, criminal cases where punishment is less than one year, arraignments, bail, housing evictions, payroll garnishments, small claims, and land contract forfeitures.
- ❖ **Municipal Courts:** Only a few municipalities have chosen to retain a municipal court rather than to change to a district court as listed above.
- ❖ **Probate Courts:** Technically, the term “probate” refers to the process of legally establishing the validity of a will. However, probate courts and judges have jurisdiction over a wide variety of matters. Probate Courts have exclusive jurisdiction in such matters as guardianships, commitment of mentally ill persons, as well as supervision of the administration of wills, estates, and trusts of deceased persons as well as emancipation of minors.

# General Jurisdiction Courts

---

General Jurisdiction Courts cover many areas of the law

- ❖ **Circuit Courts:** The Circuit Court has very broad powers over many areas of the law. For that reason it is referred to as the trial court of general jurisdiction. The Circuit Court has jurisdiction or control over all actions except those given by the Constitution and state law to another court. Generally this includes cases involving claims of more than \$10,000 and serious criminal cases.  
The Family Division of Circuit Court hears cases related to child protection proceedings, juvenile proceedings such as child protection and delinquency as well as adoption.
- ❖ **Court of Claims:** As a general rule, a state cannot be sued without its consent. Michigan granted consent by establishing the Court of Claims. The Court of Claims is part of the 30th Circuit Court in Ingham county and has jurisdiction in all claims against the State of Michigan over \$1,000.

# Appellate Courts

hear cases that have been decided in lower courts but are now being appealed

---

**Circuit Court:** The Circuit Court hears cases appealed from other trial courts within its jurisdiction and from some administrative agencies of state government as well.

- ❖ **Court of Appeals:** This is the court where parties can go if they are not satisfied with the result of their cases in Circuit Court. There are 28 judges on the Court of Appeals. Three Court of Appeals judges form a panel to hear each case. The decision of the panel is final except for those cases reviewed by the Supreme Court.
- ❖ **Michigan Supreme Court:** To attain access to this court, attorneys representing cases that have been decided by lower courts file an application for “leave to appeal.” The Court decides whether or not to grant leave to appeal and hear the case. If the Court denies the appeal, the decision of the Court of Appeals stands.

The Supreme Court is also charged with the general administrative supervision of all courts in the state. As part of that supervisory role, the Court establishes rules for practice and procedure in all the courts. This includes the Michigan Court Rules (MCR) and Supreme Court Administrative Orders.

# Specialty or Problem-Solving Courts

---

- ❖ **Drug Courts:** The mission of drug courts is to stop the abuse of alcohol and other drugs and related criminal activity. The judge, court administrator, prosecutor and defender, along with representatives from treatment provider agencies, law enforcement, probation services, and other community-based organizations work together to develop a plan for treatment and rehabilitation of chronic drug offenders.

Family drug courts are emerging within the drug court field. The Family drug court's goal is to establish ways to protect children from abuse and neglect often caused by substance abuse.

- ❖ **Teen Courts:** Teen courts are increasingly used by family division judges for juveniles who commit minor offenses or are involved with the judicial system as a first-time offender. The juvenile and the parents must agree to have the case resolved by the teen court process.



# Specialty or Problem-Solving Courts

---

- ❖ **Family Courts:** The family court (generally a division of the Circuit Court) handles all cases regarding divorce, paternity, adoptions, personal protection actions, emancipation of minors, treatment and testing of infectious disease, safe delivery of newborns, name changes, juvenile offenses, and child abuse and neglect.
- ❖ **Mental Health Courts:** In a partial response to concerns regarding the large numbers of individuals with mental illnesses in jails and prisons, these courts were created to assist defendants with a history of mental illness or who behave in a way that suggests they have a mental illness. A mental health court typically has a dedicated judge, social worker, probation officer, and court liaison to the treatment community. Defendants have the right not to participate in the mental health court but to remain instead on the criminal court docket and try the merits of their case.

# Court Procedures and Practices

---

**Procedures and practices of all courts are driven by the following:**

## **Michigan Court Rules:**

- ❖ The Supreme Court adopts rules to govern Michigan's legal system and the judges, lawyers, and other professionals who are charged with preserving the integrity of that system.

## **Local Court Rules And Administrative Orders:**

- ❖ A trial court may adopt local court rules regulating practice in that court. These rules are not to be in conflict with the Michigan Court Rules and are created to regulate matters not covered by the court rules.

## **Legislation:**

- ❖ The Legislative Branch of state government often enacts laws related to the operation of the courts. It then falls on the Supreme Court to establish guidelines as to how the courts will comply with the newly enacted laws.

## **Supreme Court Administrative Orders:**

- ❖ Under the general direction of the Supreme Court, the State Court Administrative Office assists Michigan's trial courts by providing assistance and direction as to the trial court process through a set of guidelines known as administrative orders.

# Interesting Facts

---

## Why does a judge wear a black robe?

- ❖ During the middle ages judges wore a robe, which was usually green. By the 15th century, scarlet robes were most popular. The custom of wearing a black robe may have been adopted in the late 1600's when English judges were mourning the death of King Charles II.



## Why do people in the courtroom stand when the judge enters?

- ❖ Standing when a person of importance leaves or enters the room is a sign of respect. When a judge enters or leaves the courtroom, all in attendance are asked to stand.

## Why does a judge use a gavel?

- ❖ Our modern-day judge's gavel finds its origin in 10th century Scandinavian mythology. Thor was a god of the people, a friend of the landowner and peasant alike. Thor was also the patron of justice. The judge's gavel owes its origin to the hammer symbol of Thor's might and authority.

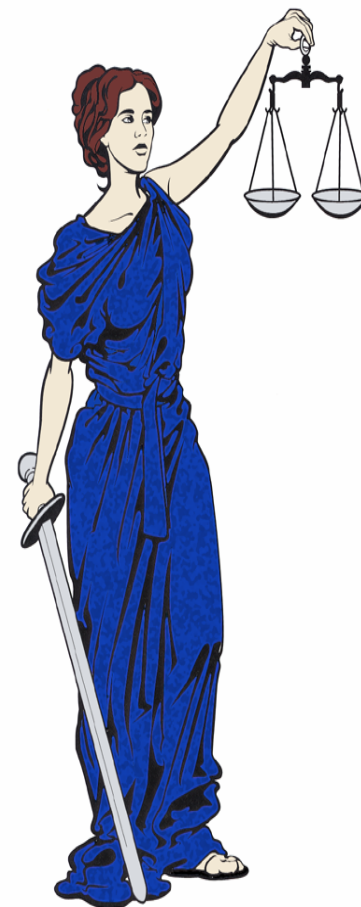
# History of Lady Justice

---

The images of “Lady Justice” almost always depict a mature woman in flowing robes. She carries a sword, scales, and a law book.

The sword stands for her power to inflict punishment for injustice. The scales represent her duty to restore balance to society.

Often times she wears a blindfold which shows that she does not judge on the basis of appearances. She is a symbol of justice and the law.



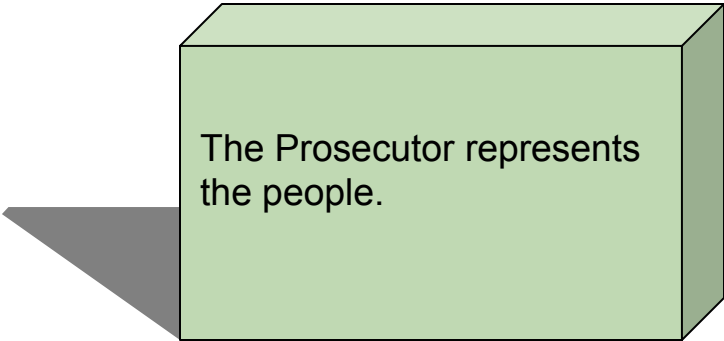
# How the Court Interacts with Funding Unit Executive Departments

**CENTRAL ADMINISTRATION, BUDGET, AND FINANCE:** The court depends on funding (money) to operate and is only one of many government bodies that draw on the monies available. Courts need to work cooperatively with the funding units and other government agencies in attaining a workable budget.

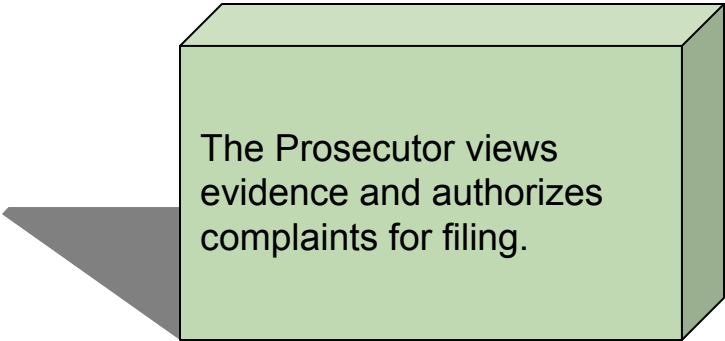
**HUMAN RESOURCES:** Employee salaries and benefits comprise the vast majority of most counties operating expenses. Creating and managing a strong employer-employee relationship leads to any organization's success.

**COUNTY CLERK:** The county clerk serves as the registrar of voters and performs a variety of other functions and recordkeeping which are relevant to the processes of the court. A cooperative relationship ensures the success of both the Clerk's office and the court.

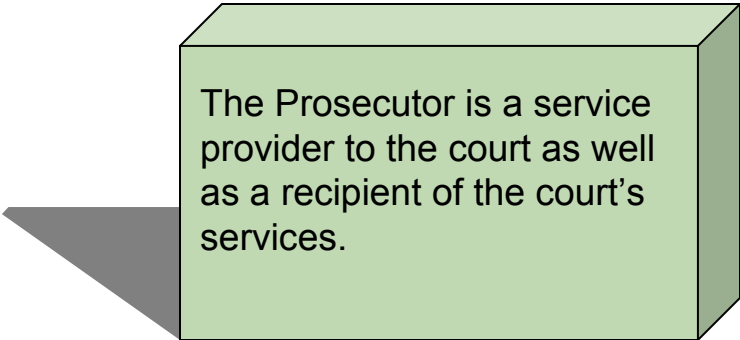
# How the Court Interacts with the Prosecuting Attorney's Office



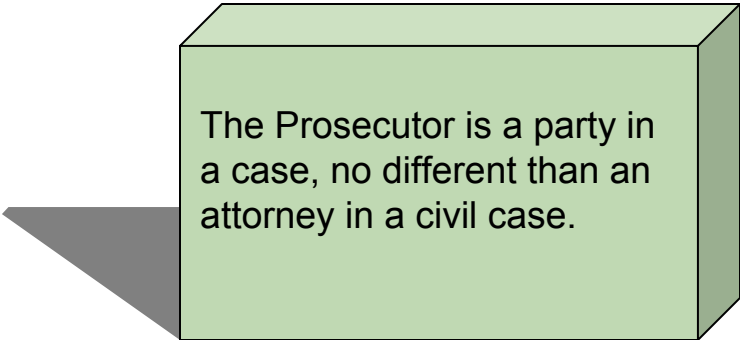
The Prosecutor represents the people.



The Prosecutor views evidence and authorizes complaints for filing.




The Prosecutor is a service provider to the court as well as a recipient of the court's services.




The Prosecutor is a party in a case, no different than an attorney in a civil case.


# How the Court Interacts with Law Enforcement




Law Enforcement  
investigates  
alleged crimes...



...enforces  
statutes and  
ordinances...



...provides  
security,  
prisoner  
transport, and  
secure custodial  
care...



... and acts as  
witness in  
specific cases  
just as the  
public may.

# How the Court Interacts with the Family Independence Agency



The Family Independence Agency (FIA) is Michigan's public assistance, child and family welfare agency. FIA directs the operations of public assistance and service programs through a network of over 100 county family independence agencies in every county in Michigan.

A wide range of service programs is available for the families and children of Michigan. They include protective and preventive services for children who are neglected, abused, or exploited, including foster care placement. The agency also provides a wide range of institutional and non-institutional social services for the care, training, and treatment of neglected and delinquent children committed to the agency as state wards and temporary court wards.

FIA works with the courts to provide services that support and assist children and families in need.



# As an Employee of the Judicial Branch

---



Courts have traditionally been focused on moving a case toward resolution. Given the increasing caseload pressure over the years, we have used a variety of innovative management techniques to improve efficiency. At times, court critics have claimed that we resembled a judicial assembly line.

If a court were a manufacturer or a retailer, this assembly line model would have served us well. But, the courts are first and foremost a service organization. We resolve society's most important disputes. The timing of dispute resolution and caseload size will always be critical, but they are not the only relevant measure of a court's work.

The Court touches hundreds of thousands of people at all different points in their lives; marriage, divorce, civil disputes, crimes, and - of course - parking tickets! That is why our performance must be measured in terms of our court's service to its' citizens

SOURCE: "Business Forum: Measuring Quality in the Courts" Kevin S. Burke, Star Tribune, February 23, 2003

# As an Employee of the Judicial Branch

---



Because the courts are an inherently adversarial process that creates both a winner and a loser, over the years a notion has developed that we can never hope to have customer satisfaction levels above 50%. Many have assumed that a losing litigant will automatically think poorly of the judiciary. But the research proves that wrong. National data demonstrates that win or lose, people are more satisfied with and confident in the process if they have a chance to be heard and are treated with respect. In other words, they feel positive about what happened if they believe they were treated fairly in the process.

These same principles of treating people with respect and listening make as much sense at our front counters as they do on a judge's bench. Courts cannot perform their work in a social vacuum. To operate most effectively, we must stay connected to the communities we serve and the agencies we work with.

***The public's trust in us as an institution relies in part on their confidence in our work. It is a standard we have a duty to achieve.***

SOURCE: "Business Forum: Measuring Quality in the Courts" Kevin S. Burke, Star Tribune, February 23, 2003

# To Learn More

---

**Michigan Supreme Court Website:**

[www.courts.michigan.gov](http://www.courts.michigan.gov)

**About U.S. Courts:**

[www.uscourts.gov/about.html](http://www.uscourts.gov/about.html)

**About Government: Judicial Branch**

[www.aboutgovernment.org/judicialbranch.htm](http://www.aboutgovernment.org/judicialbranch.htm)

**Courts To Classes Website:**

[www.uscourts.gov/outreach](http://www.uscourts.gov/outreach)

**Indiana Supreme Court Courts In The Classroom:**

<http://www.in.gov/judiciary/education>



ANSWERS to page 7: 1)E 2)E 3)E 4)J 5)E 6)E 7)E 8)L 9)E 10)J 11)E